

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN GAMBLE,

Plaintiff,

-against-

NYPD OFFICER SOHRAL PEERZADA, et
al.,

Defendants.

23-CV-4598 (LTS)

BAR ORDER UNDER
28 U.S.C. § 1915(g)

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff files this action *pro se* and seeks to proceed *in forma pauperis*. On June 5, 2023, the Court (1) noted that while Plaintiff was a prisoner, he had filed three or more cases that were dismissed as frivolous, malicious, or for failure to state a claim, and (2) ordered Plaintiff, within 30 days, to show cause by declaration why he should not be barred under 28 U.S.C. § 1915(g) from filing further actions *in forma pauperis* in this Court while he is a prisoner. The complaint also does not show that Plaintiff is under imminent threat of serious physical injury. Plaintiff did not respond to the order to show cause.

CONCLUSION

The Court finds that while Plaintiff was a prisoner, he filed three or more cases that are deemed strikes because they were dismissed as frivolous, malicious, or for failure to state a claim. Under 28 U.S.C. § 1915(g), Plaintiff cannot file future actions *in forma pauperis* in this Court while he is a prisoner unless he is under imminent threat of serious physical injury.

The Court denies Plaintiff's request to proceed *in forma pauperis* and dismisses the complaint without prejudice under the PLRA's "three-strikes" rule.¹ See 28 U.S.C. § 1915(g).

¹ Plaintiff may commence a new action by paying the filing fee. If Plaintiff does so, that complaint will be reviewed under 28 U.S.C. § 1915A, which requires the Court to dismiss *any*

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: July 17, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

civil rights complaint from a prisoner if it “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b).